

REMARKS

The Applicants appreciate the quick and courteous restriction requirement.

Claims 1-20 remain in the application.

Claims 1-12 are elected.

Claims 13-20 are non-elected and withdrawn.

Restriction Requirement

The Examiner has required restriction under 35 U.S.C. 121 and 372.

The Examiner finds that this application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12, drawn to an apparatus.

Group II, claim 13, drawn to an apparatus.

Group III, claim(s) 14-20, drawn to a method of operating an apparatus.

The Examiner contends that the groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The inventions share the common technical feature of an apparatus with an inlet and a fluidizing unit which creates a vortex. These features allegedly have previously been established in the art (see US 3261593; figure 1; col. 2, lines 23-34; col. 2, line 55 - col. 3, line 3). As such, the Examiner contends that the common technical features are not special technical features, and that the invention lacks unit[y] *a posteriori*.

The Examiner notes that a telephone call was made to David Mossman on 22 July 2010 to request an oral election to the above restriction requirement, but did not result in an election being made.

The Examiner advised the Applicant that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The Examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

The Applicants hereby **(i) elect, without traverse, claims 1-12 of Group 1.** The **(ii) identification of the claims encompassing the elected invention is claims 1-12.** Claims 13-20 are withdrawn as they are directed to non-elected inventions. Reconsideration is respectfully requested.

It is respectfully submitted that the amendments and arguments presented above place the claims in condition for allowance. Consideration and allowance of the remaining claims are respectfully requested. The Examiner is respectfully reminded of his duty to indicate allowable subject matter. The Examiner is invited to call the Applicants' attorney at the number below for any reason, especially any reason that may help advance the prosecution.

Respectfully submitted,
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